

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

Dr. Fiona Axelsson,  Plaintiff,  vs.  University of North Dakota School of Medicine and Health Sciences; Sanford; Sanford Health; and North Dakota Professional Health Program,  Defendants.	Case No.: 3:22-cv-00056  <b>Plaintiff and Defendant North Dakota Professional Health Program's Joint Motion for Order of Dismissal</b>
--	--

[1] Pursuant to Rule 41(a)(1)(B)(2) of the Federal Rules Civil Procedure, Plaintiff and Defendant North Dakota Professional Health Program (NDPHP) hereby move this Court for an Order dismissing any and all claims alleged against NDPHP in Plaintiff's Amended Complaint consistent with the Stipulation of Dismissal with Prejudice that accompanies this motion. The basis for the motion is as follows:

**LAW AND ARGUMENT**

[2] Plaintiff and Defendant NDPHP have agreed to dismiss with prejudice any and all claims against NDPHP that were raised or which could have been raised in the lawsuit, along with Plaintiff and NDPHP further agreeing to each bear their own costs, expenses, and attorney fees incurred herein. The Stipulation does not affect Plaintiff's claims against Defendant University of North Dakota School of Medicine and Health Sciences or Defendant Sanford and Sanford Health.

[3] Consistent with Rule 41(a)(1)(A)(ii), Fed. R. Civ. P., the Stipulation of Dismissal was presented to counsel for Defendants UND and Sanford, neither of which, and for reasons unexplained, has authorized their signature on the Stipulation. There are no counterclaims, cross claims, or third party claims that would preclude the dismissal agreed-to between Plaintiff and Defendant NDPHP.

[4] Accordingly, Plaintiff and Defendant NDPHP respectfully request the Court issue an order of dismissal with prejudice under Rule 41(a)(1)(B)(2), Fed. R. Civ. P. and on the terms consistent with these parties' Stipulation of Dismissal.

Dated this 11<sup>th</sup> day of April, 2023.

FIEBIGER LAW, LLC

BY: /s/ Rolf T. Fiebiger

Thomas D. Fiebiger, ND #04190  
Rolf T. Fiebiger, MN #391138  
6800 France Avenue South, Suite 190  
Edina, MN 55435  
Telephone: 612.339.6474  
tom@fiebigierlaw.com  
rolf@fiebigierlaw.com  
***Attorneys for Plaintiff Dr. Fiona Axelsson***

Dated this 11<sup>th</sup> day of April, 2023.

MEAGHER & GEER, PLLP

BY: /s/ Tracy Vigness Kolb

Tracy Vigness Kolb, ND ID# 05338  
1900 Burnt Boat Drive, Suite 101  
Bismarck, ND 58503  
Ph: 701.222.1315  
Direct Ph: 70.333.0638  
tkolb@meagher.com  
***Attorneys for Defendant North Dakota  
Professional Health Program***

**Certificate of Service**

I certify that on April 11, 2023, the foregoing document was filed electronically with the Clerk of Court through ECF and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Thomas D. Fiebiger – tom@fiebigierlaw.com

Rolf T. Fiebiger – rolf@fiebigierlaw.com

***Attorneys for Plaintiff***

Matthew A. Sagsveen – masagsve@nd.gov

Courtney R. Titus – ctitus@nd.gov

***Attorneys for Defendant University of North Dakota  
School of Medicine & Health Sciences***

Brent D. Kellelkamp – brent.kettelkamp@ogletree.com

Cynthia A. Bremer – cynthia.bremer@ogletree.com

***Attorneys for Defendants Sanford and Sanford Health***

Dated this 11<sup>th</sup> day of April, 2023.

BY: /s/ Tracy Vigness Kolb

Tracy Vigness Kolb, ND ID# 05338

tkolb@meagher.com